



Date: October 8, 2020

Location: Remote Webinar

Present:

✓	Chris Kampmann	✓	Jim Moody	✓	Mark Williams		Ted Jensen
✓	Eric Kirkpatrick	✓	Patricia McKinney-Clark	✓	Mark Jurgemeyer	✓*	Ray Swedfeger
✓	Jeannette Jones	✓	Kat Duitsman	✓	Mark Frasier	✓	Tom Sturmer
✓	Rob Ellis	✓	Lori Warner	✓-	Patrick Fitzgerald		

* Indicates arrival after roll call - Indicates visible on attendance list; not able to communicate to be heard

Note: The meeting was recorded and started at 12:00 pm. These minutes represent a summary of this meeting and are not intended to be a verbatim document. Audio recordings of the meetings can be obtained by contacting cdle_safetycommission@state.co.us.

MINUTES APPROVAL:

A Motion was made to approve the minutes from the September 10, 2020 meeting, with an edit to reflect correct attendance: motion carried and discussion was entered. There was no further discussion, a vote was taken to approve the minutes. It was approved. *See OPS update for notes on retraction of edit.*

CURRENT BUSINESS

CO 811 UPDATE:

JD, Jose, Carla, Whitney presented:

- CEO Update: Completed yearly audits; Budgeting 2021 - anticipate no increase in transmission fee to members, org. Strategic plan will occur 11/10-11/2020; pandemic-remote work plan still in place; minor facility updates (eg painting).
- Operations update: tickets still above forecasted volume; damages still proportional. Service levels being maintained as desired. Hiring a new Scheduling Supervisor. ISO 9001: Audit: strong and positive feedback for operations and leadership.
- Member relations: automatic positive response renotifications have decreased. 14% in September (which is a significant drop from August). In 2019 23% of member codes had no response to tickets; in 2020 it is now 5%. On time transmissions for 2019 was 88% & in 2020 it is 92% (4.1 million transmissions). Tier 2 Member conversion: continues and are now working with a management company that works with over 50 Tier 2 members. 10% of transmissions are still for Tier 2 members; in communication with these companies.
- Public Awareness & Outreach (including Damage Prevention): virtual annual meeting recording is posted on YouTube channel and 2 annual surveys stakeholder results posted on website. 811 Advertising - Law language [per request by Commissioners]: FAQs on website show the law. Also showed ads with Xcel

Energy & Rockies - both say it's the law. The Commission shared the feedback from a respondent at a hearing & it was discussed that not all information about CO 811 is designed by Co 811. Having actual examples from the person would help in the future. Mock Line strike video in production.

- Data Committee: Working to develop helpful data for the Commission. Looking to determine Scope and who is requesting the data to ensure it meets the MOU. It may be most helpful to work as a (sub) committee to determine a path to streamline requests and results. This would include a project charter to define scope and process. Also want to look at how to prioritize when this work is done by CO 811's business analyst (in relation to her other work).

The Commission noted that volunteers may need to be identified to support the CO 811 Data Request

Backfilling Locates

- A Damage Prevention Specialist (DPO) asked how 'backfilling' fits into excavation, because the Statute's excavation does include 'backfill' in the definition. A concern is that by the time the work is completed it is outside the 30 days of the ticket/locate being performed (or the marks are no longer visible).
- The definition of excavation has included 'backfill' in prior versions of the law.
- It is common during backfilling to also grade, in the cleanup process. Are there scenarios where this work might be seen as being in violation of the law? Based on the nature of certain utilities it may be that owner/operators want to be onsite. The Commission discussed the challenges with creating exemptions to the law, or writing a best practice. In the field it is challenging because of the pressure from project managers wanting the work done immediately, and as an excavator potentially losing business. While the Commission recognizes the difficulties for excavators, the law is what it is and potentially excavators can work with facility owners to make the process smoother.
- Consider submitting the question to the Best Practice subcommittee for a future FAQ or BP.

PHMSA SDP Grant

- Staff met with procurement: they suggest using the sole source approach to give funds to CO 811 so that they can work with 4Q on license and spanish translation since the content is owned already.
- Next steps would be providing language to procurement to proceed in this manner. CO 811 would be a 'subcontractor' for the grant.

A Motion was made to allow staff to work with CO 811 as a sole source to fulfill the grant: motion carried and discussion was entered. It was asked how staff will report the budget and use of funds, and the plan is to report back to Commission. Exact terms of contract will be developed and reported to the SC. Current budget projections come from the intended vendor and fall within the grant amount. CO 811 staff denoted that they have the ability to adapt the final version to ensure the budget is maintained. CO 811 managed the PHMSA grant for the 10 years prior to the SC formation & hopefully that provides some confidence to the Commission. A vote was taken to approve the motion. It was approved unanimously.

COMPLAINT HEARINGS:

- The Review Committee's Findings of Fact forms from the October 1, 2020 hearing was reviewed with the Safety Commission.
 - Complaint # 2020-092: **A Motion was made to approve the Review Committee's recommended remedial action as noted in the Findings of Fact form:** Motion carried & discussion was entered. There was no further discussion. A vote was taken to approve the motion. It was approved.
 - The Review Committee shared with the Commission that the Respondent tried to contact CO 811 to determine the date of last locates and were unable to get that information. CO 811 acknowledged that information and will look into it.
 - Complaint # 2020-093: **A Motion was made to approve the Review Committee's recommended remedial action as noted in the Findings of Fact form:** Motion carried & discussion was entered. There was no further discussion. A vote was taken to approve the motion. It was approved.

- Complaint # 2020-096: **A Motion was made to approve the Review Committee's recommended remedial action as noted in the Findings of Fact form:** Motion carried & discussion was entered. There was no further discussion. A vote was taken to approve the motion. It was approved.
- Upcoming hearings: Selected Review Committee members for November and December hearings.
- Other: 2020-005: 1st payment was late & did arrive; second payment is now late (due 10/1). Staff will continue to follow up. Parties from September hearings submitted remedial action early.

BEST PRACTICES:

- Reviewed work done on Locating/Marking Best Practices: not yet determined if this will be one or multiple best practices.
- Noted that CDOT, Rob Martindale, presented the efforts they are developing in the industry.

ADMINISTRATIVE ITEMS/OPS UPDATE:

- Questions for the AG's office: Can a privately owned utility that will eventually be transferred to a publicly owned utility be worked on without SUE? AG will review and respond via staff.
- In regards to the 9/10 meeting notes: attendance will be readjusted to reflect accuracy. Mark F was not in attendance.
- Damage Prevention Fund - spending authority: this one was not appropriated by legislation. The Safety Commission fund did not meet the budget needs and the SC was willing to use some damage prevention funds to manage that difference. In the meantime the AG was working to gain spending authority. The paths to do so were discussed (legislative item or decision item). There is time between now and July 2021, to file the decision item (for spending authority in July 2022). Commissioners, outside of their role in the SC, will look at ways to pursue this as a legislative item. Statute language was reviewed regarding the funds and how it can be spent (eg education based).
- Commissioner(s) appointment and reappointment process is going well. Also processing a resignation for Kat Duitsman that will align timing-wise with the other changes on the Commission.
- Upcoming PHMSA review meeting to be held 10/27/20.
- Data tool in final testing phase to allow Version 1 to be released.
- Will test using Google folders/access instead of DropBox moving forward.
- Home Rule Entities (HRE): worked on draft language to send to HREs that develop their own program.
- Working Copy of Regs: shared some initial red-lines with the Commission. The Commission asked staff to prepare some draft language and send an email for review ahead of the November meeting. Process and timeline for implementing a new edition of the Regulations was also discussed.

OTHER BUSINESS:

- Audience members were invited to bring up anything they wanted to share with the Commission.
- Greg Johnson: Consider defining 'backfilling' and other items that warrant clarification from the Statute. You can also reference other codes and standards (eg define engineer) in Regulations.
- Vail Daily News: Sept 17th incident with a gas leak. Commissioners appreciated the internal sharing of that news as being informed is important and it may come up in the future, or allow the Commission to seek ways to increase damage prevention.

The next meeting is scheduled for November 12, 2020.

Meeting adjourned at 3:15 pm.